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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

2015 DEC -3 P 2:49

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
TRICO ELECTRIC COOPERATIVE, INC., AN  
ARIZONA NONPROFIT CORPORATION, FOR A  
DETERMINATION OF THE CURRENT FAIR  
VALUE OF ITS UTILITY PLANT AND  
PROPERTY AND FOR INCREASES IN ITS  
RATES AND CHARGES FOR UTILITY SERVICE  
AND FOR RELATED APPROVALS.

DOCKET NO. E-01461A-15-0363

RATE CASE  
PROCEDURAL ORDER

**BY THE COMMISSION:**

On October 23, 2015, Trico Electric Cooperative, Inc. ("Trico" or "Company") filed an Application with the Arizona Corporation Commission ("Commission") for a rate increase.

On November 20, 2015, Robert B. Hall, a Trico customer, filed an Application for Leave to Intervene in this docket.

On November 25, 2015, Pima County, a Trico customer, filed an Application for Leave to Intervene in this docket.

Mr. Hall and Pima County will be directly and substantially affected by this proceeding and their participation will not unduly broaden the issues. There were no objections to intervention.

On November 30, 2015, the Commission's Utilities Division ("Staff") notified Trico that its application met the sufficiency requirements of Arizona Administrative Code ("A.A.C.") R14-2-103, and classified the Company as a Class A utility.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that intervention is granted to Robert B. Hall and to Pima County.

Arizona Corporation Commission

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1 IT IS FURTHER ORDERED that the **hearing** in this matter shall begin on **July 19, 2016, at**  
2 **10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, **Room 222, 400 West**  
3 **Congress, Tucson, Arizona 85701**, and shall continue through July 22, 2016, as necessary.

4 IT IS FURTHER ORDERED that a **Pre-hearing Conference** shall be held on **July 18, 2016,**  
5 **at 10:00 a.m., at the Commission's Tucson Offices, Room 222, 400 West Congress, Tucson,**  
6 **Arizona, 85701**, for the purpose of scheduling witnesses and the conduct of the hearing. Parties may  
7 appear telephonically, but should contact the Hearing Division at (602) 542-4250 to indicate if they  
8 will be calling in.<sup>1</sup>

9 IT IS FURTHER ORDERED that any **direct testimony (except that related to rate design**  
10 **and cost of service)** and associated exhibits to be presented at hearing on behalf of **Staff and**  
11 **Intervenors** shall be reduced to writing and filed on or before **May 4, 2016**.

12 IT IS FURTHER ORDERED that any **direct testimony related rate design and cost of**  
13 **service** and associated exhibits to be presented at hearing on behalf of **Staff and Intervenors** shall be  
14 reduced to writing and filed on or before **May 25, 2016**.

15 IT IS FURTHER ORDERED that any **rebuttal testimony** and associated exhibits to be  
16 presented at hearing by the **Company** shall be reduced to writing and filed on or before **June 22, 2016**.

17 IT IS FURTHER ORDERED that any **surrebuttal testimony** and associated exhibits to be  
18 presented by the **Staff and intervenors** shall be reduced to writing and filed on or before **July 8, 2016**.

19 IT IS FURTHER ORDERED that any **rejoinder testimony** and associated exhibits to be  
20 presented at the hearing **by the Company** shall be reduced to writing and filed on or before **July 15,**  
21 **2016**.

22 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have been  
23 pre-filed before July 15, 2016, shall be made on or before the Pre-Hearing Conference.

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27 <sup>1</sup> The call-in number to participate telephonically is 1-888-450-5996, Access Code 457395#.

1 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to pre-  
2 filed testimony shall be reduced to writing and filed no later than five days before the witness is  
3 scheduled to testify.

4 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105,  
5 except that all motions to intervene must be filed **on or before March 18, 2016**.

6 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
7 regulations of the Commission, except that through **April 27, 2016**, any objection to discovery requests  
8 shall be made within 7 days<sup>2</sup> of receipt and responses to discovery requests shall be made within 10  
9 days of receipt; thereafter, objections to discovery requests shall be made within 5 days and responses  
10 shall be made in 7 days;<sup>1</sup> the response time may be extended by mutual agreement of the parties  
11 involved if the request requires an extensive compilation effort.

12 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
13 discovery, any party seeking discovery may telephonically contact the Commission's Hearing Division  
14 to request a date for a procedural hearing to resolve the discovery dispute; that upon such a request, a  
15 procedural hearing will be convened as soon as practicable; and that the party making such a request  
16 shall forthwith contact all other parties to advise them of the hearing date and shall at the hearing  
17 provide a statement confirming that the other parties were contacted.<sup>3</sup>

18 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of  
19 the filing date of the motion.

20 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date  
21 of the response.

22 IT IS FURTHER ORDERED that any motions filed in this matter that are not ruled upon by  
23 the Commission within 20 days of the filing date of the motion shall be deemed denied.

24 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in  
25 this matter, in the following type size, form and style with the heading in no less than 16 point bold  
26 type and the body in no less than 10-point regular type:

27 <sup>2</sup> "Days" means calendar days.

28 <sup>3</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

**PUBLIC NOTICE OF HEARING ON THE**  
**RATE APPLICATION OF**  
**TRICO ELECTRIC COOPERATIVE, INC.**  
**Docket No. E-01461A-15-0363**

**Summary**

On October 23, 2015, Trico Electric Cooperative, Inc. ("Trico" or "Company") filed an application with the Arizona Corporation Commission ("Commission") for an increase in total revenues of \$2,182,076, or 2.49 percent. Among other things, Trico is proposing to modify its Net Metering Tariff and increase its monthly charge from \$15.00 to \$20.00. Under the energy rates as proposed by the Company, an average residential customer using 837 kWh would see a monthly increase of \$1.96, from \$116.84 to \$118.80, or 1.68 percent. A customer's bill depends on monthly energy consumption. **A CUSTOMER USING LESS OR MORE ENERGY THAN THE AVERAGE WOULD EXPERIENCE A SMALLER OR LARGER INCREASE.**

If you have any questions concerning how the Company's rate proposal will affect your bill or have other substantive questions about this application, you may contact the Company at: **[COMPANY SHOULD INSERT NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS FOR CUSTOMER CONTACTS CONCERNING THE APPLICATION].**

The Commission's Utilities Division Staff is in the process of reviewing and analyzing the application and have not yet made recommendations regarding Trico's request. The Commission will determine the appropriate rate relief to be granted based on the evidence of record in this proceeding. **THE COMMISSION IS NOT BOUND BY THE PROPOSALS MADE BY TRICO, STAFF, OR ANY INTERVENORS AND, THEREFORE, THE FINAL RATES APPROVED IN THIS DOCKET MAY BE LOWER OR HIGHER THAN THE RATES DESCRIBED ABOVE.**

**How You Can View or Obtain a Copy of the Rate Proposal**

Copies of the application and proposed tariffs are available at Trico's offices **[INSERT ADDRESS]**, and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, and at 400 West Congress, Suite 218, Tucson, Arizona, and on the internet via the Commission website ([/www.azcc.gov/](http://www.azcc.gov/)) using the e-Docket function.

**Public Hearing Information**

The Commission will hold a **hearing** on this matter beginning **July 19, 2016, at 10:00 a.m.**, at the Commission's offices, Room 222, 400 West Congress, Tucson, Arizona, 85701.

Public comments will be taken at the beginning of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. **E-01461A-15-0363** to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by email. For a form to use and instructions on how to e-mail comments to the Commission, go to <http://www.azcc.gov/divisions/utilities/forms/PublicCommentForm.pdf>. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or (520) 628-6550.

**About Intervention**

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if the outcome of the case will directly and substantially impact the person, and the person's intervention will not unduly broaden the issues in the case. Intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other parties' witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

To request intervention, you must file an **original and 13 hard copies** of a written request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later than March 18, 2016**. You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission. Information about intervention and sample intervention requests are available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the "Intervention in Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A reference to **Docket No. E-01461A-15-0363**;
3. A short statement explaining:
  - a. Your interest in the proceeding (e.g., a customer of the utility, a shareholder of the utility, etc.),
  - b. How you will be directly and substantially affected by the outcome of the case, and
  - c. Why your intervention will not unduly broaden the issues in the case;
4. A statement certifying that you have served a copy of the request to intervene on the utility or its attorney and all other parties of record in the case; and
5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before March 18, 2016. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

**If you do not intervene in this proceeding, you will not receive further notice of the proceedings in this docket. However, all documents filed in this docket are available online** (usually within 24 hours after docketing) at the Commission's website [www.azcc.gov](http://www.azcc.gov) using the e-Docket function, located at the bottom of the website homepage. RSS feeds are also available through e-Docket.

**ADA/Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, E-mail [SABernal@azcc.gov](mailto:SABernal@azcc.gov), voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that the Company shall **mail** to each of its customers a copy of  
2 the above notice by **January 8, 2016**; shall cause the above notice to be published at least once in a  
3 newspaper of local circulation in its service territory, with **publication** to be completed no later than  
4 **January 8, 2016**; and shall make the notice available on its website easily accessible from the  
5 homepage.

6 IT IS FURTHER ORDERED that the Company shall file certifications of mailing and  
7 publication as soon as practicable after they have been completed.

8 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
9 publication of same, notwithstanding the failure of an individual customer to read or receive the notice.

10 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
11 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision  
12 in this matter is final and non-appealable.

13 IT IS FURTHER ORDERED that all parties must comply with Rule 33 (c) and (d) of the Rules  
14 of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

15 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
16 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
17 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation  
18 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter  
19 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
20 Administrative Law Judge.

21 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to this  
22 matter may opt to receive service of all filings in this docket, including all filings by parties and all  
23 Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the  
24 Commission's Hearing Division, via email sent to an email address provided by the party rather than  
25 via U.S. Mail. To exercise this option, a party shall:

- 26 1. Ensure that the party has a valid and active email address to which the party has regular  
27 and reliable access ("designated email address");

2. Complete a Consent to Email Service form, available on the Commission's website ([www.azcc.gov](http://www.azcc.gov));
3. File the original and 13 copies of the Consent to Email Service form with the Commission's Docket Control, also providing service to each party to the service list;
4. Send an email, containing the party's name and the docket number for this matter, to [HearingDivisionServicebyEmail@azcc.gov](mailto:HearingDivisionServicebyEmail@azcc.gov) from the designated email address, to allow the Hearing Division to verify the validity of the designated email address;
5. Understand and agree that service of a document on the party shall be complete upon the sending of an email containing the document to the designated email address, regardless of whether the party receives or reads the email containing the document; and
6. Understand and agree that the party will no longer receive service of filings in this matter through First Class U.S. Mail or any other form of hard-copy delivery, unless and until the party withdraws this consent through a filing made in this docket.

IT IS FURTHER ORDERED that a party's consent to email service shall not become effective until a Procedural Order is issued approving the use of email service for the party. The Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and the Hearing Division has verified receipt of an email from the party's designated email address.

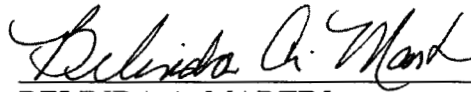
IT IS FURTHER ORDERED that a party's election to receive service of all filings in this matter via email does not change the requirement that all filings with the Commission's Docket Control must be made in hard copy and must include an original and 13 copies.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (3) of the Rules of Civil Procedure.

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IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 3<sup>rd</sup> day of December, 2015.



BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed  
this 3<sup>rd</sup> day of December, 2015 to:

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Jason D. Gellman  
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By:



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Assistant to Belinda A Martin